

# 2012 Draft Copy Only

## Positive changes encouraged

### Town of Calais

#### DOG [AND WOLF-HYBRID] CONTROL ORDINANCE

##### Section 1. Authority

This ordinance is adopted by the Selectboard of Town of Calais, Vermont under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10),(14), and (15) and 24 V.S.A. § Chapter 59.

##### Section 2. Purpose

It is the purpose of this ordinance to regulate the keeping of dogs [and wolf-hybrids] and to provide for their leashing, muzzling, restraint, impoundment and destruction in order to protect the public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

##### Section 3. Definitions

A. "Dog" means any member of the canine species (*Canis familiaris*). For purposes of this ordinance, this term, wherever used, shall also include wolf-hybrids and working farm dogs except where specifically exempted.

B. "Enforcement Officer" means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Selectboard. Said officer may issue complaints for violation of this ordinance and may be the appearing officer at any hearing.

C. "Owner" means any person who has actual or constructive possession of a dog. The term shall also include those persons who provide food and shelter to a dog.

D. "Running at large" means a dog is not:

1. on a leash;
2. in a vehicle;
3. on the owner's property;
4. on the property of another person with that person's permission;
5. clearly under the verbal or non-verbal control of the owner; or
6. hunting with the owner.

E. "Vicious dog" means a dog running at large that attacks any person or causes any person to reasonably fear attack or bodily injury from such dog. The term shall also mean any dog that, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. § 3541.

F. "Wolf-Hybrid" means:

1. An animal that is the progeny of a dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*);
2. An animal which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid; or
3. An animal that exhibits primary physical and/or behavioral wolf characteristics.

G. "Working farm dog" means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to State law.

##### Section 4. Prohibition Against Creating a Nuisance

A. An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

- 1 1. Running at large in town;  
2 2. A female dog in heat not confined to a building or other secured enclosure, except while under the  
3 direct control of the owner;  
4 3. A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling  
5 for a continuous period of [ ] minutes or more. This regulation shall not apply to dogs in a kennel  
6 which has received a zoning permit under the Town's zoning regulations.  
7 B. The provisions of this section pertaining to running at large and disturbing the quiet, comfort and  
8 repose of others shall not apply to working farm dogs if:  
9 1. the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or  
10 2. the working farm dog is running at large in order to herd or protect livestock or poultry or to protect  
11 crops.

12 **Section 5. Licensing of Dogs**

13 Every dog shall be licensed according to the laws of this State and shall wear a collar or harness with  
14 the current license issued attached. A dog that is visiting from out of state must wear a collar or harness  
15 with a current license from its home state attached. A dog that is found without a collar or harness and  
16 license shall be immediately impounded.

17 **Section 6. Penalties and Enforcement.** A violation of this ordinance shall be a civil matter which  
18 may be enforced by an Enforcement Officer in the Vermont Judicial Bureau.

19 A. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§  
20 1974a and 1977 et seq. Each day that the violation continues shall constitute a separate violation of this  
21 ordinance. Any person who violates the provisions of this ordinance shall be subject to the penalties and  
22 waiver penalties set forth below. Waiver penalties apply when an alleged violator pays the penalty  
23 without contesting the violation.

	<b>Full Penalty</b>	<b>Waiver</b>
24 First Offense.....	\$10.00.....	\$5.00
25 Second Offense.....	\$20.00.....	\$10.00
26 Third and Subsequent Offenses.....	Impoundment & impoundment costs, costs of 27 remedial action, plus \$40.00 full 28 penalty/\$20.00 waiver 29	

30 B. Impoundment costs shall be set annually by the Selectboard.

31 C. Violations shall be considered subsequent offenses if occurring within one calendar year of the  
32 previous offense committed.

33 D. For purposes of enforcement in the Judicial Bureau, an Enforcement Officer shall be the designated  
34 enforcement officer. Said designee shall issue tickets and may be the appearing officer at any hearing.

35 **Section 7. Impoundment**

36 A. Any dog that is found running at large, determined by an Enforcement Officer to be a vicious dog  
37 under the provisions of this ordinance, is in violation of State licensing law or 20 V.S.A. § 3806 may be  
38 immediately impounded.

39 B. Any dog that is apprehended for a third or subsequent violation of any provision of this ordinance  
40 may be impounded.

41 C. An Enforcement Officer who has attempted to seize a dog and has not been permitted to search for  
42 or take the dog, may apply to a judicial officer authorized to issue search warrants for a warrant to  
43 search the properties of the owner of the dog or any other property if the Enforcement Officer has  
44 reasonable cause to believe that the dog may be on it.

45 D. The Enforcement Officer who impounds a dog shall, within 24 hours, give notice to the owner  
46 thereof, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice  
47 shall inform the owner of the nature of the violations, the location of the dog and the steps that are

1 necessary to have it returned to the owner.

2 E. If the owner of the dog is unknown, the Enforcement Officer impounding the dog shall, within forty-

3 eight (48) hours of impoundment post a public notice describing the dog, including any significant

4 marks of identification, when and where it was impounded or found by the person placing the dog in

5 the Town's custody, and declare that unless the owner claims the dog and pays all expenses incurred by

6 the Town for treatment, boarding and care of the dog, any applicable penalties and takes all necessary

7 remedial action within ten (10) days following posting, the Town shall place the dog in an adoptive

8 home, transfer it to a humane society or rescue organization, or destroy it in a humane way.

9 Notification shall be posted in the Town clerk's office and other usual places for public notice for a ten

10 (10) day period.

11 F. Impounded dogs shall be released to the owner only after payment of all penalties and impoundment

12 fees, the final disposition of a vicious dog hearing if applicable, and after all necessary remedial action

13 is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a

14 collar and current license, and verifying certification of current vaccination against rabies.

15 G. If the owner of a dog impounded under the provisions of this ordinance refuses to take remedial

16 action necessary to secure its release within ten (10) days following notice of impoundment or gives

17 notice either personally, by telephone call, or by written notice to the Town of abandonment of

18 ownership of an impounded dog before that time the dog may be placed in an adoptive home, or

19 transferred to a humane society or rescue organization. If the dog cannot be placed in an adoptive home

20 or transferred to a humane society or rescue organization within ten (10) days following notice of

21 impoundment it may be destroyed in a humane way. The owner of a dog transferred or humanely

22 destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of

23 the dog for the duration of its impoundment and any expenses associated with its transfer or humanely

24 disposal.

25 H. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an

26 official designated by the Selectboard determines that the dog is a rabies suspect, the Selectboard shall

27 immediately notify the Town Health Officer who shall proceed in accordance with the rules of the

28 Vermont Department of Health.

29 **Section 8. Investigation of Vicious Dogs**

30 A. When a dog has bitten a person while the dog is off the premises of the owner or keeper, and the

31 person bitten requires medical attention for the attack, such person may file a written complaint with the

32 Selectboard. The complaint shall contain the time, date and place where the attack occurred, the name

33 and address of the victim or victims, and any other facts that may assist the Selectboard in conducting

34 its investigation.

35 B. The Selectboard, within seven (7) days from receipt of the complaint, shall investigate the charges

36 and hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be

37 ascertained with due diligence, said owner shall be provided with a written notice of the time, date and

38 place of hearing and the facts of the complaint.

39 C. If the dog is found to have bitten the victim without provocation, the Selectboard shall make such

40 order for the protection of persons as the facts and circumstances of the case may require, including,

41 without limitation, that the dog is disposed of in a humane way, muzzled, chained, or confined. The

42 order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails

43 to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.

44 D. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a

45 member of the Selectboard or an official designated by the Selectboard determines that the dog is a

46 rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in

47 accordance with the rules of the Vermont Department of Health. If the dog is deemed healthy, the terms

1 and conditions set forth in the Selectboard's order shall be enforced.

2 E. The procedures prescribed herein shall also govern the disposition of any dog impounded by an  
3 Enforcement Officer for being vicious.

4 **Section 9. Other Laws.** This ordinance is in addition to all other ordinances of the Town of Calais and  
5 all applicable laws of the State of Vermont.

6 **Section 10. Severability.** If any section of this ordinance is held by a court of competent jurisdiction to  
7 be invalid, such finding shall not invalidate any other part of this ordinance.

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10 **Section 11. Effective Date.**

11 This ordinance shall become effective 60 days after its adoption by the Calais Selectboard. If a petition  
12 is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

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14 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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26 **SIGNATURES**

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31 **Adoption History**

32 1. Agenda item at regular Selectboard meeting held on \_\_\_\_\_.

33 2. Read and approved at regular Selectboard meeting on \_\_\_\_\_ and entered in the  
34 minutes of that meeting which were approved on \_\_\_\_\_.

35 3. Posted in public places on \_\_\_\_\_.

36 4. Notice of adoption published in the \_\_\_\_\_ newspaper on \_\_\_\_\_ with a  
37 notice of the right to petition.

38 5. Other actions [petitions, etc.]  
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